

**8. 2007SP-028U-13**

Ralph Mello  
Map163-00, Parcels 064, 065  
Subarea 13 (2003)  
Council District 32 - Sam Coleman

A request to change from AR2a to SP zoning property located at 5160 and 5166 Hickory Hollow Parkway, approximately 1,630 feet west of Hickory Hollow Place (3.81 acres), requested by Ralph Mello, William B. Owen, Trustee, and Philip D. Warren, owners.

**STAFF RECOMMENDATION: Disapprove as submitted. Approval with conditions, including a condition adopting the site plan as revised by staff.**

**APPLICANT REQUEST - Preliminary SP**

A request to change from Agricultural/Residential (AR2a) to Specific Plan (SP) zoning property located at 5160 and 5166 Hickory Hollow Parkway, approximately 1,630 feet west of Hickory Hollow Place (3.81 acres).

**Existing Zoning**

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

**Proposed Zoning**

SP District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base-zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**ANTIOCH/PRIEST LAKE COMMUNITY PLAN**

Regional Activity Center (RAC) -RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.

**Consistent with Policy?** - Yes, if the staff revised site plan is approved. This request includes all uses within the Mixed Use Limited zoning district, except for nursing homes, day care facilities, bars, nightclubs, car washes, and convenience stores, which is consistent with the RAC policy. The RAC policy also requires a site plan, however. The submitted site plan does not provide sufficient design information to meet the requirements of the policy. The staff revised site plan provides the flexibility desired by the applicant while accommodating the design requirements required by the policy.

**PLAN DETAILS**

Submitted Site Plan - The plan shows one building envelope on each of the two lots. The building envelopes are 5,160 square feet and 5,166 square feet. They are setback approximately 90 feet from Hickory Hollow Parkway, with parking in front on the building. There are no other details regarding the size, height, or elevations of the buildings.

Sidewalks - Sidewalks are not shown on the plan.

Access - There are four access points from Hickory Hollow Parkway and no cross access between the two lots.

Parking -The plan shows parking located in front of the buildings. It does not include a number of spaces, but appears inadequate for the size of the depicted building envelope.

#### **PLAN DETAILS**

Staff Revised Site Plan -The plan shows one building envelope on the two lots. The building envelope has a setback of 30 feet from Hickory Hollow Parkway. The building would be required to be constructed along at least 50% of the front setback line. Building height, elevations, and other details are not included in the staff-proposed preliminary site plan in order to provide the applicant with maximum flexibility. Elevations will be required to be submitted with the final site plan

Sidewalks -Sidewalks are shown on the eastern property line to provide pedestrian access to the multifamily development to the north.

Access - There is one access point from Hickory Hollow Parkway. Cross access is provided between the two lots and to the undeveloped lot to the west. Additionally, pedestrian access is provided from the parking area to the multi-family development to the north

Parking -The parking envelope is located in the interior of the lots with a minimum front setback of 50 feet. If parking totals do not follow MUL standards, than the final SP site plan shall demonstrate sufficient parking, which must be approved by staff.

Reviewing Department Recommendations - Other departments did not have enough technical information to review the SP as submitted. All department approvals must be obtained with the final SP site plan.

**Staff Recommendation** -Staff recommends disapproval as submitted, but approval with conditions of the staff revised site plan. Because the council bill for this request has already been prepared, staff also recommends a condition that failure to amend the bill to include the staff revised site plan would amount to a disapproved bill.

**PUBLIC WORKS RECOMMENDATION** -A specific plan has not been received to make any engineering decision or recommendation.

#### **Typical Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	3.81	1 du/2acres	1	10	1	2

#### **Typical Uses in Proposed Zoning District: SP (Calculations based on MUL zoning)**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center(814)	3.81	.237	39,333	1,721	39	116

**Change in Traffic Between Typical Uses in Existing and Proposed Zoning District**

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				1,711	38	114

**Maximum Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	3.81	1 du/2acres	1	10	1	2

**Maximum Uses in Proposed Zoning District: SP (Calculations based on MUL zoning)**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail Center (820)	3.81	.6	99,578	6,773	157	625

**Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District**

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				6,763	156	623

**STORMWATER RECOMMENDATION - Preliminary SP Returned for Corrections:**

- Show the Proposed Site Layout (Scale no less than 1" = 100', Contours no greater than 5').
- Add FEMA Note / Information to plans.
- Add North Arrow & Bearing Information to plans.
- Add Vicinity Map to plans.
- Add 78-840 Note to plans. (Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.)
- Add Preliminary Note to plans. (This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)
- Add Access Note to plans. (Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)
- Add C/D Note to plans. (Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)
- Show Existing Topo.
- Provide a Water Quality Concept plan.

- Show / allocation Room for Detention.

**FIRE MARSHAL RECOMMENDATION** -Need more information on what is to be done. New residences, business, fire hydrant location, etc.

**WATER SERVICES RECOMMENDATION** - Capacity in the amount of \$2,000.00 has been purchased for this site leaving a balance of \$2,000.00. Furthermore, a public sewer line extension will be required to serve this site. Water Services will need calculations, construction plans and also calculation fees for review and approval.

#### **CONDITIONS**

1. Adopt staff revised site plan.
2. Failure to amend the bill to include the staff revised site plan would amount to a disapproved bill.
3. Building elevations are required with the final SP site plan.
4. Sidewalks are required on Hickory Hollow Parkway.
5. Buildings shall be a minimum of two stories or 24' and a maximum of three stories.
6. If parking totals do not follow MUL standards, than the final SP site plan shall demonstrate sufficient parking, which must be approved by staff.
7. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning districts at the effective date of this ordinance, which must be shown on the plan.
9. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
10. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
11. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
12. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or

add vehicular access points not currently present or approved.

13. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

#### **METRO SCHOOL BOARD REPORT**

**Projected student generation** - The projected number of students is not able to be determined at this time. The number of students will be projected with the final SP site plan.

**Schools Over/Under Capacity** - Students would attend J. E. Moss Elementary School, Apollo Middle School, or Antioch High School. J. E. Moss Elementary School and Antioch High School have been identified as being over capacity by the Metro School Board. There is neither another middle school in the cluster nor another high school in a neighboring cluster that has capacity. This information is based upon data from the school board last updated April 2007.

Ms. Logan presented and stated that staff is recommending disapproval of the plan as submitted, however is recommending approval with conditions, including a condition adopting the site plan as revised by staff.

Mr. Ralph Mello, owner, spoke in favor of the plan as submitted by staff and requested that condition #5, referencing building height, be removed.

Ms. Nielson suggested the proposal be deferred in order to allow additional time for the developer to meet with staff to work on the design issues of the development.

Mr. Ponder requested clarification on the height restrictions included in the proposal.

Ms. Logan explained the concept of the building height restriction placed on the development.

Mr. Bernhardt offered that the building height was included in order to provide the appropriate scaled building for this area. He stated there was flexibility regarding this condition.

Ms. Jones offered alternative suggestions regarding the condition referencing building heights. She stated there are buildings that contain a 20 foot roof deck in the front that slopes back to only approximately to 14 or 15 foot. She stated that the condition should not restrict the owner to a two story building as the condition indicates in the report.

Ms. Nielson offered that the condition should be amended in order to accommodate the Commission's intentions.

There was a brief discussion amongst the Commission as they determined the correct wording for the condition.

Mr. Loring stated that he had an issue with recommending a two story building for the developer if in fact, a one story would be appropriate. He spoke of additional economic impacts associated with two story buildings.

Ms. Beehan stated she was in favor of the suggested changes made by the Commissioners. She questioned whether the proposal should be deferred to allow additional work on the request.

Mr. Bernhardt offered the suggested wording as proposed by the Commissioners for condition #5. He stated that it would read that the front façade shall be a minimum of 20 feet to the top of the parapet, up to a maximum of three stories.

Mr. Clifton requested additional clarification on the requested zone change and the policy for this area.

Ms. Logan stated that the Regional Activity Center policy requires a design plan.

Mr. Clifton acknowledged the intentions of staff requiring a two story building for the Hickory Hollow area. He agreed with the amendments to be made to condition #5.

Ms. Cummings requested additional clarification regarding the change to condition #5.

Ms. Jones offered additional information regarding the generalities of two story buildings.

Ms. Jones moved, and Ms. Beehan seconded the motion, which passed unanimously, to approve with conditions Zone Change 2007SP-028U-13, to include the condition adopting the site plan as revised by staff, as well as revising Condition #5 to read that the front façade shall be a minimum of 20 ft., to the roof edge with a maximum building of three stories. (7-0)

#### **Resolution No. RS2007-205**

BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-028U-13 is **DISAPPROVED AS SUBMITTED; APPROVED WITH CONDITIONS, including a condition adopting the site plan as revised by staff and amending condition No. 5 to require that the front façade shall be a minimum of 20' at the roof edge to a maximum building height of three stories. (7-0)**

#### **Conditions of Approval:**

1. Adopt staff revised site plan.
2. Failure to amend the bill to include the staff revised site plan would amount to a disapproved bill.
3. Building elevations are required with the final SP site plan.
4. Sidewalks are required on Hickory Hollow Parkway.
5. Buildings shall be a minimum of two stories or 24' and a maximum of three stories.
6. If parking totals do not follow MUL standards, than the final SP site plan shall demonstrate sufficient parking, which must be approved by staff.
7. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning districts at the effective date of this ordinance, which must be shown on the plan.
9. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.

10. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
11. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
12. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
13. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

**The revised staff plan is consistent with the Antioch/Priest Lake Community Plan's Regional Activity Center policy which is intended for all types of retail activities, offices, public uses and higher density residential uses."**